



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.3968 of 2016

A.Pani Renilson

...Petitioner

Vs.

1.The Regional Passport Officer,
Madurai Region, Bharathi Ula Veethi
Race Course Road,
Madurai-02.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st Respondent to issue a passport to the petitioner by considering his passport application in File No.MD2068965887715 in the light of the Notification issued by the Ministry of External Affairs vide G.S.R.570(E) dated 25.08.1993.

For Petitioner
For Respondents

:Mr.S.Balaji
:Mr.N.Shanmugaselvam for R-1
Mr.S.Kumar
Addl. Government Pleader
for RR- 2 & 3

O R D E R

According to the Petitioner, he is serving as a driver in and around of his village and derives a meagre income, which is not enough to run his family and manage his brother's study. With a view to secure a job and to earn a considerable amount by getting a job at abroad, on 22.11.2015, he submitted an on-line application for securing a fresh passport for him at Passport Seva Kendra, Tirunelveli City and his application was accepted vide reference No.15-1010317399. He also paid necessary charges and personally appeared on 24.11.2015 at the Passport Seva Kendra, Tirunelveli City and produced all relevant documents before the authority concerned. His application, after scrutiny of all documents was finally taken on file in file No. MD2068965887715 and as on date, his passport application is pending for consideration.

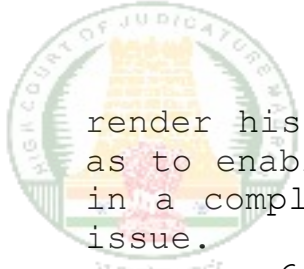


2. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that on 25.09.2014, at the instance of the petitioner's father's sister viz., Selvi (paternal aunt), an F.I.R in Cr.No.394 of 2014 was registered against the petitioner, his father and brother by the 3rd respondent/Inspector of Police, Valliyur Police Station, Tirunelveli District, in respect of the offences under Sections 294(b) and 323 of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act. As on date, the said criminal case is pending on the file of the Learned Judicial Magistrate, Valliyur and it is represented that the case is under investigation.

3. The Learned Counsel for the Petitioner contends that although Section 6(2)(f) of the Passports Act, 1967 confers power on the passport authority to refuse the issuance of passport, by virtue of a notification of the Central Government in G.S.R.570 (E), dated 25.08.1993 (issued by the Ministry of External Affairs, Government of India), the Passport Authority cannot refuse the passport merely on the ground of pendency of a criminal case.

4. In short, the submission of the Learned Counsel is that the aforesaid notification of the Government of India in G.S.R.570(E), dated 25.08.1993, any citizen of India against whom criminal case is pending, can hold the passport for certain period as directed by the competent court. In this connection, the grievance of the petitioner is that he made a representation to the first respondent on 17.02.2016, through which, he had made a request before the first respondent to consider his passport application for issuance of passport. However, the passport application dated 22.11.2015 is till date kept pending on the file of the first respondent. Hence, he has filed the present writ petition.

5. Inasmuch as the petitioner in the present writ petition prays for passing of an order by this Court in directing the 1st respondent to issue a passport to the petitioner by considering his passport application in File No.MD2068965887715, in the light of the Notification issued by the Ministry of External Affairs vide G.S.R.570(E) dated 25.08.1993, within the time stipulated by this Court, at this stage, this Court, without expressing any opinion on the merits/contents of the representation made by the petitioner before the first respondent, based on Equity, Fair Play, Good Conscience and even as a matter of Prudence, directs the first respondent/Regional Passport Officer, Madurai Region, Madurai to earnestly and seriously to look into the representation of the petitioner dated 17.02.2016 and to dispose of the same by passing a reasoned, speaking order on merits within a period of six weeks from the date of receipt of order (by providing adequate opportunity to the petitioner and others concerned, if any, by following the principles of Natural Justice). The petitioner is directed to



render his co-operation and assistance to the first respondent so as to enable him to dispose of his representation dated 17.02.2016 in a complete and comprehensive manner, in the subject matter in issue.

6. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Regional Passport Officer,
Madurai Region, Bharathi Ula Veethi
Race Course Road, Madurai-02.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

+1cc to M/s.A.Kesavan, Advocate in SR.34891

+1cc to M/s.N.Shanmugaselvam, Advocate in SR.35041

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vs

PBK/SK-SKN/SAR-II 18/07/2016 ::3P-6C::